

AMENDED IN ASSEMBLY JUNE 29, 2011

AMENDED IN SENATE MAY 24, 2011

SENATE BILL

No. 140

Introduced by Senator Lowenthal

January 31, 2011

An act to add ~~Section 60605.86 to~~ and repeal Sections 60209, 60227.5, and 60605.86 of the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 140, as amended, Lowenthal. Instructional ~~materials; common core materials~~ and academic content standards.

Existing

(1) Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, and authorizes the state board to establish criteria for that purpose. Existing law requires the state board in reviewing and adopting instructional materials to use specified criteria and ensure that, in its judgment, the submitted instructional materials meet all of the specified criteria.

This bill would require the State Department of Education to assess a fee on each publisher or manufacturer that chooses to participate in the 8th grade mathematics instructional materials adoption process, and would require the fee to comply with specified requirements. The bill would require the department to provide specified notice to publishers and manufacturers before commencing the adoption process for 8th grade mathematics instructional materials. The bill would prohibit a publisher or manufacturer's 8th grade mathematics instructional materials from being reviewed for purposes of adoption

until the fee is paid in full. The bill would authorize the department to reduce the fee for participation in the 8th grade mathematics instructional materials adoption process upon the request of a small publisher or manufacturer, as defined. The bill would require the adoption of 8th grade mathematics instructional materials by the state board in accordance with this adoption process to be considered the adoption of instructional materials that are aligned to the common core academic content standards for 8th grade mathematics.

(2) Existing law establishes the Academic Content Standards Commission, ~~consisting of 12 appointed members, as specified. The commission is required and requires the commission~~ to develop academic content standards in language arts and mathematics and to present its recommended academic content standards to the State Board of Education. Existing law requires at least 85% of these standards to be the common core academic standards developed by the Common Core State Standards Initiative consortium or any associated or related interstate collaboration. Existing law requires the state board to adopt or reject the academic content standards. Existing law exempts instructional materials that are aligned to these standards from the requirement that the state board adopt any additional criteria that instructional materials will be required to meet at least 30 months before the materials are to be approved for adoption.

This bill would require the State Department of Education, *on a one time basis*, to develop a list, on or before July 1, 2012, of supplemental instructional materials for use in kindergarten and grades 1 to 8, inclusive, that are aligned with California's common core academic content standards in language arts and mathematics. The bill would require the state board to either approve or reject the supplemental instructional materials as proposed by the department. The bill also would permit the governing boards of school districts to approve supplemental instructional materials other than those approved by the state board if the governing board determines that other supplemental instructional materials are aligned with the common core academic content standards and meet the needs of the pupils of the district. The bill would require the department to maintain on its Internet Web site a list of supplemental instructional materials approved by the state board.

This bill would also require the department to recommend, and the state board to approve, content review experts to review, in an open and transparent process, instructional materials submitted for approval

in the subject areas of mathematics and English language arts, as specified.

(3) The provisions of the bill would become inoperative on July 1, 2014, and would be repealed on July 1, 2015.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) California and 40 other states have adopted common core
4 academic content standards in language arts and mathematics to
5 provide consistent and clear expectations of what pupils need to
6 learn to compete in a global economy.

7 (b) Eighty-five percent of the standards are common across the
8 nation, with 15 percent being unique to California.

9 (c) It is the intent of the Legislature that the state collaborate
10 with other states in the development of instructional materials to
11 realize efficiencies, particularly for the 85 percent of the standards
12 that are common across the nation.

13 SEC. 2. Section 60209 is added to the Education Code, to read:

14 60209. (a) The department shall recommend, and the state
15 board shall approve, content review experts. The content experts
16 shall review, in an open and transparent process, instructional
17 materials submitted for approval in the subject areas of
18 mathematics, including, but not limited to, 8th grade mathematics,
19 and English language arts.

20 (b) The majority of content review experts approved pursuant
21 to subdivision (a) shall be teachers who are credentialed in the
22 subject area they are reviewing. The content review experts shall
23 also include appropriate persons from postsecondary institutions,
24 school and school district curriculum administrators, and other
25 persons who are knowledgeable in the appropriate subject area.

26 (c) Content review experts shall serve without compensation.

27 (d) This section shall become inoperative on July 1, 2014, and,
28 as of July 1, 2015, is repealed, unless a later enacted statute, that
29 becomes operative on or before July 1, 2015, deletes or extends
30 the dates on which it becomes inoperative and is repealed.

1 *SEC. 3. Section 60227.5 is added to the Education Code, to*
2 *read:*

3 *60227.5. (a) Before commencing the adoption process for 8th*
4 *grade mathematics instructional materials, the department shall*
5 *provide notice, pursuant to subdivision (c), in all of the following*
6 *manners:*

7 *(1) Provide notice to all publishers and manufacturers known*
8 *to produce basic instructional materials for 8th grade mathematics.*

9 *(2) Post an appropriate notice on the department's Internet*
10 *Web site.*

11 *(3) Take other reasonable measures to ensure that appropriate*
12 *notice is widely circulated to potentially interested publishers and*
13 *manufacturers.*

14 *(b) The notice provided pursuant to subdivision (a) shall specify*
15 *that each publisher or manufacturer choosing to participate in the*
16 *8th grade mathematics instructional materials adoption process*
17 *shall be assessed a fee pursuant to subdivision (d).*

18 *(c) The department, prior to incurring substantial costs for the*
19 *adoption process of 8th grade mathematics instructional materials,*
20 *shall require a publisher or manufacturer that wishes to participate*
21 *in the 8th grade mathematics instructional materials adoption*
22 *process to first declare their intent to submit one or more specific*
23 *instructional materials for adoption.*

24 *(d) (1) The department shall assess a fee on each publisher or*
25 *manufacturer that chooses to participate in the 8th grade*
26 *mathematics instructional materials adoption process, which shall*
27 *comply with all of the following:*

28 *(A) The fee shall be based on the number of instructional*
29 *materials that the publisher or manufacturer indicates they will*
30 *submit for review.*

31 *(B) The fee shall be an amount that does not exceed the*
32 *reasonable costs to the department in conducting the 8th grade*
33 *mathematics instructional materials adoption process and the*
34 *department shall take reasonable steps to limit the costs of the 8th*
35 *grade mathematics instructional materials adoption process and*
36 *to keep the fee modest, recognizing that some of the work necessary*
37 *for the primary adoption of instructional materials need not be*
38 *duplicated.*

39 *(C) The department shall assess the fee after the publisher or*
40 *manufacturer complies with subdivision (c).*

1 (D) *The fee shall be payable by the publisher or manufacturer*
2 *even if the publisher subsequently chooses to withdraw an*
3 *instructional material for adoption.*

4 (2) *The submission of an instructional material by a publisher*
5 *or manufacturer shall not be reviewed for purposes of adoption*
6 *until the fee assessed pursuant to this subdivision is paid in full.*

7 (e) *It is the intent of the Legislature that the fee assessed*
8 *pursuant to subdivision (d) not be so substantial that it prevents*
9 *publishers and manufacturers from participating in the 8th grade*
10 *mathematics instructional materials adoption process.*

11 (f) (1) *Upon the request of a small publisher or manufacturer,*
12 *the department may reduce the fee for participation in the 8th*
13 *grade mathematics instructional materials adoption process.*

14 (2) *For purposes of this section, “small publisher” or “small*
15 *manufacturer” means an independently owned or operated*
16 *publisher or manufacturer that is not dominant in its field of*
17 *operation, and that, together with its affiliates, has 100 or fewer*
18 *employees, and has average annual gross receipts of ten million*
19 *dollars (\$10,000,000) or less over the previous three years.*

20 (g) *Notwithstanding subdivision (b) of Section 60200, if the*
21 *department determines that there is little or no interest in*
22 *participating in the 8th grade mathematics instructional materials*
23 *adoption process by publishers and manufacturers, it shall*
24 *recommend to the state board that the 8th grade mathematics*
25 *instructional materials adoption process should not be conducted,*
26 *and the state board may decide to not conduct the 8th grade*
27 *mathematics instructional materials adoption process.*

28 (h) *Revenue derived from fees charged pursuant to subdivision*
29 *(d) shall be budgeted as reimbursements and subject to review*
30 *through the annual budget process and may be used to pay costs*
31 *associated with the 8th grade mathematics instructional materials*
32 *adoption process.*

33 (i) *The adoption of 8th grade mathematics instructional*
34 *materials by the state board in accordance with the adoption*
35 *process described in this section shall be considered the adoption*
36 *of instructional materials that are aligned to the common core*
37 *academic content standards for 8th grade mathematics.*

38 (j) *This section shall become inoperative on July 1, 2014, and,*
39 *as of July 1, 2015, is repealed, unless a later enacted statute, that*

1 *becomes operative on or before July 1, 2015, deletes or extends*
2 *the dates on which it becomes inoperative and is repealed.*

3 ~~SEC. 2.~~

4 SEC. 4. Section 60605.86 is added to the Education Code, to
5 read:

6 60605.86. (a) Notwithstanding any other law, *and on a*
7 *one-time basis*, the department shall develop a list, on or before
8 July 1, 2012, of supplemental instructional materials for use in
9 kindergarten and grades 1 to 8, inclusive, that are aligned with
10 California's common core academic content standards in language
11 arts and mathematics. The supplemental instructional materials
12 shall provide a bridge between the common core academic content
13 standards and the standards-aligned instructional materials currently
14 being used by local educational agencies.

15 (b) On or before September 30, 2012, the state board shall do
16 either of the following:

17 (1) Approve the supplemental instructional materials as proposed
18 by the department.

19 (2) Reject the supplemental instructional materials as proposed
20 by the department. If the state board rejects the supplemental
21 instructional materials, it shall provide a specific written
22 explanation to the Superintendent, the Governor, and the
23 Legislature of the reasons why the proposed materials were
24 rejected.

25 (c) The governing boards of school districts may approve
26 supplemental instructional materials other than those approved by
27 the state board pursuant to subdivision (b) if the governing board
28 determines that other supplemental instructional materials are
29 aligned with the common core academic content standards and
30 meet the needs of the pupils of the district. ~~A~~ *The* governing board
31 of a school district may only approve supplemental instructional
32 materials that comply with the requirements of Section 60226 and
33 Article 3 (commencing with Section 60040) and Article 4
34 (commencing with Section 60060).

35 (d) Publishers choosing to submit supplemental instructional
36 materials for approval by the state board shall submit standards
37 maps. Publishers choosing to submit supplemental instructional
38 materials for approval for use in grades 9 to 12, inclusive, are
39 encouraged to submit standards maps.

1 (e) Before approving supplemental instructional materials
2 pursuant to this section, the state board, or the governing board of
3 a school district that chooses to approve supplemental instructional
4 materials pursuant to subdivision (c), shall review those
5 instructional materials for academic content, social content, and
6 instructional support to teachers and pupils. Supplemental
7 instructional materials approved pursuant to this section shall meet
8 required program criteria for grade-level programs, intervention
9 programs, and English learners and shall include materials for use
10 by teachers.

11 (f) The department shall maintain on its Internet Web site the
12 list of supplemental instructional materials approved by the state
13 board pursuant to subdivision (b).

14 (g) *This section shall become inoperative on July 1, 2014, and,*
15 *as of July 1, 2015, is repealed, unless a later enacted statute, that*
16 *becomes operative on or before July 1, 2015, deletes or extends*
17 *the dates on which it becomes inoperative and is repealed.*